

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #109**

<b>Policy Title: Pardon Hearing and Process</b>	<b>Draft Date: January 27, 2014</b>	<b>Policy #109</b>
	<b>Effective Date: January 29, 2014</b>	<b>Pages: 2</b>
	<b>Previous/New: NEW</b>	

**Purpose:**

The purpose of this policy and procedure is to establish guidelines for conducting Pardon Hearings and the pardon process.

**Policy:**

It is the policy of the Arizona Board of Executive Clemency to review all applications for a pardon submitted to it in accordance with R5-4-201.

**A.R.S. §§31-233; 31-402; 31-401; 31-441; 31-442; 31-443; 31-444; 31-445; 31-446  
RULE: R5-4-201**

**Procedure:**

Any individual who was convicted of an Arizona felony offense may apply for a pardon unless otherwise exempted by law. To apply for a pardon, an applicant must supply the following documents

1. A fully completed application. Applications submitted that are not fully complete will be returned for further information. The application will be made available on-line or by mail upon written request.
2. Two recent sets of fingerprints.
3. Proof that a request for a pardon was published in a local newspaper in the county where the crime and/or conviction occurred. This advertisement must run for thirty days and a receipt demonstrating payment for the advertisement must be attached to a copy of the actual advertisement.
4. A certified copy of the notice of intent to seek a pardon that was sent to the prosecutor in the county where the crime and conviction occurred.
5. A copy of the presentence report and related court sentencing documents linked to the offense/s committed.

In addition to the above, it is recommended the following documents be included in a pardon request:

1. A copy of the applicant's current resume.
2. At least three letters of reference. (Only one from a family member.)
3. Any other documents which is felt to be of importance to the successful approval of the pardon request.

4. A copy of the court order restoring your civil rights or a copy of the court's denial to restore the applicant's civil rights.
5. A copy of the court order restoring your right to own and possess firearms or a copy of the court's denial to restore an applicant's right to own and possess a firearm.
6. A copy of any Absolute Discharge notice (if applicable) for the offense/s sought in the pardon request.

(The inclusion of these documents does not mandate a positive decision on the application by the Board.)

Once a completed pardon application is received, the Board shall request from the Arizona Department of Corrections a review of the pardon request and verify that the requestor is eligible to apply for a pardon.

Upon receiving certification from AZDOC, the Executive Director will schedule a Pardon Hearing before the Board. The date for this hearing will be determined by the Executive Director.

**Pardon Hearing:**

A Pardon Hearing is conducted in a similar manner to a Parole Hearing. (See Board Policy - #101)

At the conclusion of the hearing, the Board shall take one of the following actions:

1. Deny the request for pardon.
2. Recommend the pardon to the Governor.

If the Board decides not to recommend a pardon the petitioner shall be notified of the Board's decision within ten business days. The petitioner can reapply for a pardon three years from the date of the hearing.

If the Board by majority decision recommends a pardon, the Panel Chair shall designate a Board member from the majority to prepare and send to the Governor a letter of recommendation. This letter shall have affixed to it the signatures of all majority Board members who voted in the affirmative. Dissenting Board members may also send a letter to the Governor outlining their reasons for dissenting.

If the Governor denies a pardon, the Board shall notify the applicant in writing of the Governor's decision within 10 working days after receiving notice of the decision. The applicant may reapply for a pardon three years from the date of the Board's decision.

**Implementation:**

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.